

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

RAMZIDDEN TROWELL,

Plaintiff,

v.

9:16-CV-1203 (BKS/DEP)

W. GARLAND, *et al.*,

Defendants.

Appearances:

Ramzidden Trowell
Brooklyn, NY 11224
Plaintiff, pro se

Melissa A. Latino, Esq.
Hon. Eric T. Schneiderman
Office of New York State Attorney General
The Capitol
Albany, NY 12224
Attorney for Defendants

Hon. Brenda K. Sannes, United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff Ramzidden Trowell, a former New York State inmate, commenced this civil rights action asserting claims under 42 U.S.C. § 1983 arising out of his incarceration. Dkt. Nos. 1 and 11. On August 14, 2017, Defendants filed a motion seeking to dismiss the Complaint under Fed. R. Civ. P. 12(c) or, in the alternative, to abate or stay the proceedings pending resolution of a prior pending action. Dkt. No. 29. Plaintiff did not file a response. This matter was referred to United States Magistrate Judge David E. Peebles who, on September 21, 2017, issued a Report and Recommendation recommending that Defendants' motion be denied and that

this action be consolidated with *Trowell v. Santamore*, No. 16-CV-639. Dkt. No. 32. Magistrate Judge Peebles advised the parties that under 28 U.S.C. § 636(b)(1), they had fourteen days within which to file written objections to the report, and that the failure to object to the report within fourteen days would preclude appellate review. Dkt. No. 32, pp. 18-19. No objections to the Report and Recommendation have been filed. On October 2, 2017, Plaintiff filed a letter stating that he does not have any objections to the Report and Recommendation. Dkt. No. 33.

As no objections to the Report and Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report and Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228-29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Having reviewed the Report and Recommendation for clear error and found none, the Court adopts it in its entirety.

For these reasons, it is

ORDERED that the Report and Recommendation (Dkt. No. 32) is **ADOPTED** in its entirety; and it is further


ORDERED that Defendants' motion to dismiss or, in the alternative, to stay or abate the proceedings (Dkt. No. 29) is **DENIED**; and it is further

ORDERED that this action is consolidated with *Trowell v. Santamore*, No. 16-CV-639; and it is further

ORDERED that the Clerk serve a copy of this Order upon the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: November 2, 2017


Brenda K. Sannes
U.S. District Judge